

1 THE HONORABLE JOHN H. CHUN  
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7 **UNITED STATES DISTRICT COURT**  
8 **WESTERN DISTRICT OF WASHINGTON**  
9 **AT SEATTLE**

10 FEDERAL TRADE COMMISSION, *et al.*,

11 Plaintiffs,

v.

12 AMAZON.COM, INC., a corporation,

13 Defendant.

CASE NO.: 2:23-cv-01495-JHC

**DECLARATION OF CHRISTINE  
KENNEDY IN SUPPORT OF  
PLAINTIFFS' MOTION TO  
ENTER AN ESI ORDER**

14 I, Christine Kennedy, declare as follows:

15 1. I am an Attorney in the Federal Trade Commission's ("FTC") Bureau of  
16 Competition, and I represent the FTC in the above-captioned action. I am over eighteen years of  
17 age and am competent to testify to the matters set forth in this declaration. I make the following  
18 statements based on my personal knowledge.

19 2. Plaintiffs and Amazon have met and conferred at length regarding an ESI Order,  
20 both by email and letter exchanges and through telephonic meet and confers on the following  
21 dates: December 7, 2023; December 13, 2023; December 18, 2023; January 4, 2024; January 16,  
22 2024; January 23, 2024; February 23, 2024; and March 21, 2024.

1       3.       Attached as **Exhibit A** is a true and correct copy of a letter from Emily K. Bolles,  
2 counsel for the FTC, to Robert Keeling, counsel for Amazon, dated March 1, 2024.

3       4.       Attached as **Exhibit B** is a true and correct copy of a letter from Robert Keeling  
4 to Emily K. Bolles, dated January 19, 2024.

5       5.       Attached as **Exhibit C** is a true and correct copy of a letter from Robert Keeling  
6 to Emily K. Bolles, dated February 7, 2024.

7       6.       Attached as **Exhibit D** is a true and correct copy of a letter from Robert Keeling  
8 to Emily K. Bolles, dated March 8, 2024.

9       7.       On March 22, 2024, Ray Mangum, counsel for Amazon, emailed Emily K.  
10 Bolles, stating that Amazon continues to assert confidentiality with respect to certain portions of  
11 Exhibits B, C, and D. Those portions of Exhibits B, C, and D are not cited in Plaintiffs' Motion  
12 to Enter an ESI Order and have been redacted in the attached exhibits.

13       8.       On November 14, 2023, Amazon served 87 Requests for Production ("RFP") on  
14 the FTC.

15       9.       On November 14, 2023, Amazon served 85 RFPs on each of the following  
16 Plaintiff States: New York, Connecticut, New Hampshire, Oklahoma, Pennsylvania, Delaware,  
17 Maine, Maryland, Massachusetts, Michigan, Minnesota, Nevada, New Jersey, New Mexico,  
18 Oregon, Rhode Island, and Wisconsin.

19       10.      Amazon's RFP No. 1 to the Plaintiffs above calls for: "All Documents developed  
20 and maintained by any Plaintiff in connection with, or in the course of, any Investigation,  
21 including but not limited to Plaintiffs' files created and maintained in connection with the  
22 investigation that lead to this Action."

6       12.     Amazon's RFP No. 66 to the Plaintiffs above calls for: "All Documents relating  
7 to any interactions between any Plaintiff and any State or federal governmental Entity, agency,  
8 regulator, legislative committee, legislator, Member of Congress, committee or subcommittee of  
9 the United States Congress, or any agency of the United States Congress relating to Amazon, any  
10 Person or Entity identified, described, or characterized in such Documents as a competitor of  
11 Amazon, any Person or Entity who competes in any industry in which Amazon provides services  
12 or sells Products, Amazon's Customers, Amazon's business partners, potential legal claims  
13 against Amazon, any Investigation, the legal claims against Amazon set forth in the Complaint,  
14 or the regulation of business competition in the United States."

16 I declare under penalty of perjury that the foregoing is true and correct.

17 Executed on March 22, 2024, in Washington, DC.

s/ Christine M. Kennedy  
Christine M. Kennedy